

Special message from the Governor :

EXECUTIVE DEPARTMENT,  
Austin, Texas, July 13, 1870.

Hon. DON CAMPBELL,

President of Senate, State of Texas :

SIR : I respectfully return to your house (where it originated) the act entitled " An Act for the relief of the Eastern Texas Railroad Company, and to authorize it to branch the same as therein stated."

This act, in first section, proposes to renew and revive the Eastern Texas Railroad Company, to give it all the rights, privileges and immunities conferred by the original act of incorporation, and subsequent acts amendatory thereto. This provision, undoubtedly, is intended to have the effect of reviving the land grant, and, in my opinion, conflicts with section six of article ten of the Constitution.

A railroad company, or other corporation, is a person in legal intendment, and though I am aware it is claimed that the makers of the Constitution did not propose, by this section, to prevent grants of land to companies, yet I cannot see in the context any indication of such purpose. Certainly no ground of public policy will warrant a construction which would permit grants of land to corporations, but exclude individuals, however meritorious, from such favor.

While, then, the Legislature is forbidden to grant lands directly to any one, the same thing cannot be done indirectly by reviving, as in present instance, a corporation which has lost the right to land by failure to comply with its charter.

If this can be done, the said provision in the Constitution may be practically nullified, and all the public lands absolved by "reviving" the numerous extinct charters which encumber the statute books.

I have, then, to return this to your house, and request a reconsideration thereof.

Very respectfully,

EDMUND J. DAVIS,  
Governor.

Senator Mills moved the message be referred to a select committee of five. Carried.